

**SUPPORTING STATEMENT**

30 C.F.R. Part 75, Subpart L - Fire Protection (Underground Coal Mines). Includes the following mandatory safety standards:

30 C.F.R. 75.1100-3: Condition and examination of fire fighting equipment.

30 C.F.R. 75.1101-23(a): Program of instruction; location and use of fire fighting equipment; location of escapeways, exits and routes of travel; evacuation procedures.

30 C.F.R. 75.1101-23(c): Fire drills.

30 C.F.R. 75.1103-8: Automatic fire sensor and warning device systems; inspection and test requirements.

30 C.F.R. 75.1103-11: Tests of fire hydrants and fire hose; record of tests.

**A. JUSTIFICATION**

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

Under 30 C.F.R. 75.1100-3, chemical fire extinguishers must be examined every 6 months and the date of the examination recorded on a permanent tag attached to the extinguisher.

Under 30 C.F.R. 75.1101-23(a), operators of underground coal mines are required to establish a program for the instruction of all miners in the proper fire fighting and evacuation procedures to be followed in event of an emergency. The program includes a specific fire fighting and evacuation plan designed to acquaint miners on all shifts with procedures for: (i) evacuation of all miners not required for fire fighting activities; (ii) rapid assembly and transportation of necessary people, fire suppression equipment, and rescue apparatus to the scene of the fire; and (iii) operation of the fire suppression equipment available in the mine. Programs are required to be submitted to the District Manager in whose District the mine is located for approval by MSHA. The approved program of instruction is required to be

given to all miners annually and to newly employed miners within 6 months of employment.

Under 30 C.F.R. 75.1101-23(c), an underground coal mine operator is required to conduct fire drills at intervals of not more than 90 days. The operator is required to certify by signature and date that fire drills were conducted in accordance with the approved program.

Under 30 C.F.R. 75.1103-8, a qualified person must examine the automatic fire sensor and warning device systems on a weekly basis, and must conduct a functional test of the complete system at least once a year. The mine operator is required to maintain the records of the annual functional tests, and a record of the weekly examination must be kept at the belt drive.

Under 30 C.F.R. 75.1103-11, each fire hydrant and hose must be tested at least once a year, and the records of those tests shall be kept in an appropriate location.

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for new collections, indicate the actual use the agency has made of the information received from the current collection.**

The program required under 30 C.F.R. 75.1101-23(a) is used by the operator to instruct all miners on specific fire fighting and evacuation procedures to follow in the event of a fire. Fire drills are conducted at least once every 90 days to ensure that miners are familiar with the elements of the program. Fire suppression equipment tests are conducted on a regular basis to ensure that all equipment is in working order and ready to use. MSHA uses the programs and the fire drill and fire fighting equipment certifications to determine whether a mine operator has adequate procedures and equipment to protect miners in the event of a fire.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

No improved information technology has been identified that would reduce the burden, however in order to comply with the Government Paperwork Elimination Act, mine operators may retain the records in whatever method they chose, which may include utilizing computer technology.

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in Item 2 above.**

Programs are individual and are specific according to the needs of each mine. If programs or fire drill records are required by States or other organizations, their application as a means of satisfying MSHA's requirements would be acceptable.

**5. If the collection of information impacts small businesses or other small entities, describe the methods used to minimize burden.**

The provisions of the Federal Mine Safety and Health Act of 1977 (Mine Act) and MSHA regulations and standards apply to all operations because accidents, injuries and illnesses can occur at any mine regardless of size. Congress intended that the law be enforced at all mining operations regardless of size and that information collection and record keeping requirements be consistent with efficient and effective enforcement of the Act. S. Rep. 181, 95th Cong., 1st Sess. 28 (1977). However, Congress did recognize that small operations may face problems in complying with some of the provisions of the Mine Act. Section 103(e) of the Mine Act directs the Secretary of Labor not to impose an unreasonable burden on small businesses in obtaining any information under the Act. Accordingly, MSHA takes this into consideration when developing regulatory requirements, and when appropriate and consistent with assuring the health and safety of this nation's miners, different requirements for small and large mines exist. See, for example, 30 CFR 49.3 and 50.11(b). However, MSHA does not believe that providing separate and distinct fire fighting and evacuation programs for small mines would promote the Mine Act's objectives of ensuring that miners are able to quickly remove themselves from a mine in the event of a fire and that fires are extinguished as soon as possible.

**6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

Plans are developed upon commencement of a mining operation. Fire drills are required to be held at 90-day intervals and are to follow the procedures specified in the approved fire fighting and evacuation program. The 90-day requirement assures that in the event of a fire, everyone is familiar with the location and use of fire fighting equipment, location of escapeways, and procedures to be followed for their particular work areas. Regular inspections of fire suppression equipment ensure that the equipment is operational and ready for use should a fire occur.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- \* requiring respondents to report information to the agency more often than quarterly;
- \* requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- \* requiring respondents to submit more than an original and two copies of any document;
- \* requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
- \* in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- \* requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- \* that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- \* requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

While there is no specific requirement that fire fighting and evacuation programs be kept for more than three years, underground coal mine operators are required to have such plans in place during the time their mines are actively operating. This collection of information is otherwise consistent with the guidelines in 5 C.F.R. 1320.5.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to the comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3

years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

A notice will be published in the Federal Register advising the public that the request for extension of this reporting requirement is being reviewed under the provisions of the Paperwork Reduction Act of 1995 and allowing 60 days for public comment.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

MSHA has made no decision to provide payments or gifts to the respondents identified by this collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

There is no personal information requiring confidentiality.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- \$     Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
- \$     If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.
- \$     Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.12. Provide estimates of the hour burden of the collection of information.

Under 30 C.F.R. 75.1100-3, chemical fire extinguishers shall be examined every 6 months and the date of the examination recorded on a permanent tag attached to the extinguisher. MSHA records show that in 1999, there were approximately 1,424 mechanized mining units (MMUs) in operation, each requiring approximately 20 fire extinguishers. MSHA estimates that it takes a miner earning \$27.78 per hour, approximately 2 minutes (0.033 hour) to check each fire extinguisher and record the results on the tag.

Hour Burden:

$$\begin{array}{rcl} 56,960 & (1,424 \text{ MMUs} \times 20 \text{ fire} \\ & \text{extinguishers/MMU} \times 2 \text{ exams/year}) \\ & \times 0.0333 \text{ hour/exam} \end{array} = 1,897 \text{ hours}$$

Hour Burden Cost:

$$1,897 \text{ hours} \times \$27.78 = \$ 52,692$$

MSHA's records indicate that there are approximately 1,020 underground coal mines, required by 30 C.F.R. 75.1101-23(a) to have an approved program for the instruction of all miners in the location and use of fire fighting equipment, location of escapeways, exits, and routes of travel to the surface, and proper evacuation procedures to be followed in the event of an emergency. According to Coal Mine Safety and Health's Mine Plan Approval (MPA) Database, MSHA approved 255 new programs and 84 revised programs (total 339) in fiscal year 1999. While the programs vary according to the size and complexity of each individual mine, MSHA estimates that it takes an average of 30 minutes (0.5 hour) for a mine supervisor earning \$52.47 per hour to prepare a new or revised program.

Hour Burden:

$$\begin{array}{rcl} 339 & \text{new or revised programs} \\ & \text{per year} \times 0.5 \text{ hour per program} \end{array} = 169.5 \text{ hours}$$

Hour Burden Cost:

$$169.5 \text{ hours} \times \$52.47 \text{ per hour} = \$8,893.6$$

Under 30 C.F.R. 75.1101-23(c), MSHA estimates that every underground coal mine operator will be expected to conduct an average of four fire drill certifications per year per shift, and that there are an average of 3 shifts per mine. MSHA also estimates that it takes a mine supervisor approximately

30 minutes (0.5 hour) to conduct the fire drills and complete the certification records.

Hour Burden:

$$\begin{array}{lcl} 1,424 \text{ mines} \times 4 \text{ fire drills} \times \\ 3 \text{ shifts} \times 0.5 \text{ hour per} \\ \text{certification} & = & 8,544 \text{ hours} \end{array}$$

Hour Burden Cost:

$$\begin{array}{lcl} 8,544 \text{ hours} \times \$52.47 \text{ per hour} \\ (\text{average salary of a mine} \\ \text{supervisor}) & = & \$448,304 \end{array}$$

Under 30 C.F.R. 75.1103-8, automatic fire sensor and warning device systems must be inspected weekly, and a functional test of the complete system must be made annually. Records of the inspections and tests must be made by qualified persons and maintained by the mine operator. MSHA estimates that there are approximately 685 underground coal mines equipped with an average of four automatic fire sensor and warning device systems per mine. MSHA estimates that it takes a mine supervisor approximately 15 minutes (0.25 hour) to examine each system, and approximately 10 minutes (0.17 hour) to certify the weekly examination records.

Hour Burden:

$$\begin{array}{lcl} 685 \text{ mines} \times 4 \text{ systems/mine} \\ \times 52 \text{ weekly inspections} \times \\ 0.25 \text{ hour/inspection} & = & 35,620 \text{ hours} \end{array}$$

$$\begin{array}{lcl} 685 \text{ mines} \times 52 \text{ weekly inspections} \\ \times 0.17 \text{ hour/certification} & = & \underline{5,938 \text{ hours}} \\ \text{Total} & = & 41,558 \text{ hours} \end{array}$$

Hour Burden Cost:

$$41,558 \text{ hours} \times \$52.47/\text{hour} = \$2,180,548$$

MSHA estimates that it takes a mine supervisor approximately 15 minutes to conduct the annual functional test of the automated fire sensor system.

Hour Burden:

$$685 \text{ mines} \times 4 \text{ systems/mine} \times$$

0.25 hour/test = 685 hours

Hour Burden Cost:

685 hours x \$52.47/hour = \$35,942

TOTAL BURDEN HOURS: = 42,243

TOTAL BURDEN COSTS: = \$ 347,509

Under 30 C.F.R. 75.1103-11, each fire hydrant must be tested by opening, and each hose must also be tested. Both tests are to be conducted annually and a record made of each test. MSHA estimates that there are approximately 685 underground coal mines that have an average of 30 fire hydrants per mine, and that it would take a mine supervisor approximately 30 minutes (0.5 hour) to conduct the tests and make a record of the results.

Hour Burden:

685 mines x 30 hydrants/per mine  
x 2 tests x 0.5 hour = 20,550 hours

Hour Burden Cost:

20,550 hours x \$52.47/hour = \$1,078,258.5

**13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).**

MSHA estimates that the following additional annual costs are incurred:

339 new or revised programs per year  
x \$5 per program mailing cost = \$1,695

**14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.**

MSHA safety specialists (GS 12/5) estimate that it would take approximately 20 minutes (0.33 hour) to review and approve an average fire fighting and evacuation program.

339 new or revised programs x  
0.33/hour x \$24.57 per hour  
(average hourly wage of an MSHA  
safety specialist) = \$2,749



Fire drill records and records of fire protection equipment examinations are examined during routine inspections. MSHA estimates that the time expended for reviewing these records is minimal, and therefore no cost burden has been assigned.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

The decrease of 11,887 burden hours from (85,292 to 73,405) is due to the decline in the number of coal operations in the three year period and the number of new or revised fire protection plans being examined/inspected.

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The results from the information gathered from this collection will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

MSHA is not seeking approval to not display the date.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

There are no certification exceptions identified with this information collection.